

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 10-CA-156616

**NATIONAL POSTAL MAIL HANDLERS UNION,
LOCAL 305**

DECISION AND ORDER

Statement of the Case

On May 3, 2016, the United States Postal Service (the Respondent), National Postal Mail Handlers Union, Local 305 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.¹

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

¹ Members Hirozawa and McFerran note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States of America and operates various facilities throughout the United States in the performance of that function, including its Post Office, the Floretta Place Station, located at 1 Floretta Place, Raleigh, North Carolina. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA) (39 U.S.C. § 101 et seq.).

2. The labor organizations involved

The National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborers' International Union of North America (the National Union) is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the National Labor Relations Act, as amended (Act).

The Union is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the Union has been an agent of the National Union, acting on its behalf, within the meaning of Section 2(13) of the Act.

3. The bargaining unit

The following employees of the Respondent (the unit) constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.

Mail Handlers, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, City Letter Carriers, Maintenance Employees, Special Delivery, Messengers, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shop employees, or Mail Transport Equipment Centers and Supply Center employees.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Raleigh, North Carolina, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively and in good faith with National Postal Mail Handlers Union, AFL-CIO, a Division of the Laborer's International Union of North America, as the exclusive bargaining representative of its employees in an appropriate unit, or its affiliated local, National Postal Mail Handlers Union, Local 305, by failing and refusing to furnish information that is relevant and necessary to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit employees.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, timely provide the Union with information that is relevant and necessary to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit employees.

(b) At the Respondent's Post Office, Floretta Place Station, located at 1 Floretta Place, Raleigh, North Carolina, the Respondent will maintain a log in which it will immediately record each information request tendered by the Union, orally or in writing, at that facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Union with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Union in writing, requesting additional time and explaining the need for the additional time.

(c) Each manager and supervisor who is designated to receive union requests for information at the Respondent's Floretta Place Station, as described above, will receive annual training that encompasses how to maintain the log, and how to tender the relevant information the Union requests; each such supervisor and manager will sign an acknowledgement form attesting to the fact that he or she has completed this training. A copy of this acknowledgement form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors or managers who fail reasonably to supply relevant information to the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of the supervisor or manager.

(d) Union stewards at the Respondent's Floretta Place Station, described above, must be notified when the manager or supervisor who is designated to receive union requests for information at the particular facility has changed.

(e) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs at the Respondent's Floretta Place Station, described above, to ensure that the information requested by the Union is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

(f) Within 14 days of service by the Region, post at the Respondent's Floretta Place Station, as described above, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent closes its Floretta Place Station, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the Floretta Place Station at any time since July 9, 2015.

(g) Electronically post the Notice to Employees for employees at its Floretta Place Station if the Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees.

(h) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., July 6, 2016.

Philip A. Miscimarra, Member

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

National Postal Mail Handlers Union, Local 305 (the Union) is the exclusive collective-bargaining representative of those of you in the following appropriate unit:

Mail Handlers, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined by Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, City Letter Carriers, Maintenance Employees, Special Delivery, Messengers, Motor Vehicle Employees, Postal Clerks, Mail Equipment Shop employees, or Mail Transport Equipment Centers and Supply Center employees.

WE WILL NOT fail and refuse to provide the Union with the information it needs to represent you.

WE WILL NOT in any like or related manner interfere with your rights under the National Labor Relations Act.

WE HAVE provided the Union with the information it initially requested on about July 9, 2015, including any and all correspondence (emails, text and etc.) concerning Quenton Boddie's disciplinary action (i.e. removal) exchanged between Jim Zink, Wendy Helms, Shalabi Galabi, and any other management official.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlr.gov/case/10-CA-156616 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

